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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,408	10/19/2000	Alan C. Atwood	34828.006	8501

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Intellectual Property Department
Dewit Ross & Stevens PC
Firststar Financial Centre
8000 Excelsior Drive Suite 401
Madison, WI 53717-1914

EXAMINER

GOODMAN, CHARLES

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/693,408

Applicant(s)

ATWOOD, ALAN C.

Examiner

Charles Goodman

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,13,16 and 23-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,13,16 and 23-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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SUPPLEMENTAL DETAILED ACTION

1. The Amendment filed on February 21, 2003 has been entered.
2. It is noted that due to the fact that the original Office action was not fully processed, this supplemental action is being sent in place thereof.

Election/Restrictions

3. Applicant's election of Group I, claims 1-3, 5, 13, 16, and 23-26 with traverse in Paper No. 7 is noted. Due to the amendment above, the restriction requirement in the last Office Action has been withdrawn. Thus, claims 1-3, 5, 13, 16, and 23-31 remain for consideration on the merits.

Claim Objections

4. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 29-30 (beginning with the second occurrence of claim 29) have been renumbered 30-31.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-3, 5, 16, and 23-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with vague and indefinite language and lack of antecedent basis for claimed features. The following are only some noted examples. Failure to comply with the above statute guarantees FINALITY of the next Office Action.

- i. The following phrases lack clear antecedent basis: (claim 1) "the front" and "the rear"; (claim 25) "the linear member", "the forward edge", "the rear"; (claim 27) "the end"; (claim 28) "the front" and "the back".
- ii. Claim 3 is vague and indefinite in that it is not clear what the claim encompasses. Claim 1 sets forth an apparatus for holding. How is the current "cutting device" part of a holding device? What is the scope of the claim? Substantially the same applies to other similar claims.
- iii. Claim 16 is vague and indefinite in that it is not clear what the claim encompasses. The "combination" does not result in a clamp to which the claim is supposed to be directed toward. Substantially the same problems exist in the rest of the claims.
- iv. Claim 24 is vague and indefinite in that it is not clear what the claim encompasses. It is not clear whether the claim is just referring to the

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previously recited "linear member" or some sort of combination of a holding apparatus and a linear member. If the former, then this claim should be set forth in independent form.

v. In claim 26, the term "it" is vague and indefinite. What is "it" referring to?

vi. In claim 27, the phrase "...the clamp holding..." is vague and indefinite in that it appears to lack clear antecedent basis. If the phrase is referring to "restraining..." in clause (a) of the claim, then consistent terminology for the same should be maintained throughout the claims.

vii. Claim 30 is vague and indefinite in that it appears to be a double inclusion of the same previously recited. A "cutting device" is set forth in claim 27.

Is the current claim referring to another one?

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. As best understood, claims 1, 3, 23, 27, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Westra et al.

Westra et al discloses a trimming apparatus comprising all the elements claimed including, inter alia, a table (59), and a clamp (105, 106, 109). Figs. 1 and 6-15.

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9. As best understood, claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Smith.

Smith discloses a multiple arm pressure clamp comprising all the elements claimed including, inter alia, an upper jaw (9); a lower jaw (10), a back plate (e.g. 11, 12) and a latch (the T-shaped latch connection). Figs. 1-6.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. As best understood, claims 24 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westra et al in view of Hammer.

Westra et al discloses the invention substantially as claimed except for the work, e.g. window blinds, etc. However, Hammer teaches that it is known in the art to utilize clamps (164, 165) to hold window blinds (e.g. 149) while performing work thereon which is another form of linear members. Fig. 17. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the device and method of Westra et al with the blinds linear members as suggested by Hammer in order to facilitate clamped engagement of the linear members for subsequent cutting.

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Allowable Subject Matter

12. Claims 2, 5, 16, 25, 26, 28, and 29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion


13. Marocco '388, Sudano, Hsu, Marocco '099, Schumann et al, Yannazzone, Graves et al, Allen, Inagaki et al, Manxi, and Shore are cited as pertinent art.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (703) 308-0501. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (703) 308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.


Charles Goodman
Primary Examiner
AU 3724

cg 
April 6, 2004

CHARLES GOODMAN
PRIMARY EXAMINER